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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 DENISA DENINA M,

10 Plaintiff,

11 v.

12 COMMISSIONER OF SOCIAL
13 SECURITY,

14 Defendant.

CASE NO. C19-05042 RAJ-BAT

**ORDER DENYING
PLAINTIFF'S OBJECTIONS
AND ADOPTING REPORT AND
RECOMMENDATION**

15 The Court has reviewed the Report and Recommendation of the Honorable Brian
16 A. Tsuchida, United States Magistrate Judge, Plaintiff's Objections, Judge Tsuchida's
17 Addendum to the Report and Recommendation, and the balance of the record. The Court
18 concurs fully in the recommendations of the Report and Recommendation.

19 On August 8, 2019, Plaintiff filed Objections to Judge Tsuchida's Report and
20 Recommendation, noting that the R&R did not address Plaintiff's argument in favor of
21 remand for immediate calculation of benefits. Dkt. # 14 at 1. Plaintiff is correct that the
22 decision to remand for further proceedings or immediate calculation of benefits lies
23 within the Court's discretion. *Id.* (citing *Garrison v. Colvin*, 759 F.3d 995, 1009 (9th Cir.
2014)). As noted by Judge Tsuchida, however, remand for immediate calculation of
benefits is appropriate only where there are no outstanding issues on which further
proceedings in the administrative court would be useful. Dkt. # 15 at 2 (citing *Leon v.*
Berryhill, 880 F.3d 1041, 1044 (9th Cir. 2017) (holding remand for a direct award of

1 benefits may be appropriate where “there are no outstanding issues on which further
2 proceedings in the administrative court would be useful.”)). Here, because there are still
3 several outstanding issues including reassessment of the opinions of Drs. Valette and
4 Weiss, remand for immediate calculation of benefits is inappropriate. *Id.* at 2.

5 Accordingly, the Court adopts the Report and Recommendation (Dkt. # 13) and
6 **DENIES** Plaintiff’s Objections (Dkt. # 14). The Commissioner’s decision is
7 **REVERSED** and this case is **REMANDED** to the Social Security Administration for
8 further proceedings consistent with the Report and Recommendation. The Clerk shall
9 provide copies of this Order to the parties and Judge Tsuchida.

10 DATED this 6th day of November, 2019.

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13 The Honorable Richard A. Jones
14 United States District Judge
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